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Attorneys for Defendant
Minnesota Life Insurance Company,
erroneously sued as Minnesota Mutual Life
Insurance Company

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN WALL,

Plaintiff,

vs.

MINNESOTA MUTUAL LIFE INSURANCE
COMPANY,

Defendant.

Case No. CIV.S-04-1314 WBS DAD

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE HEARING ON MOTION
FOR SUMMARY ADJUDICATION AND
PRE-TRIAL CONFERENCE**

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 TO THE HONORABLE WILLIAM B. SHUBB, UNITED STATES DISTRICT COURT
2 JUDGE:

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4 The parties to this action, plaintiff Allen Wall ("plaintiff") and defendant Minnesota Life
5 Insurance Company, erroneously sued as Minnesota Mutual Life Insurance Company ("Minnesota
6 Life"), through their respective counsel of record, hereby stipulate and request that: (1) the hearing
7 on Minnesota Life's Motion for Summary Adjudication, originally set for July 25, 2005, be
8 continued until August 8, 2005; (2) the deadlines to file any opposition and reply to the Motion be
9 re-set in accordance with the new hearing date; and (3) the Pre-Trial Conference currently set for
10 August 29, 2005, be re-set for September 12, 2005.

11
12 Good cause exists for granting the continuance. Based on the current hearing date of July
13 25, 2005, plaintiff's opposition to the Motion and Minnesota Life's reply to the motion are due on
14 July 8 and 18, respectively. Plaintiff's counsel will be out of town and unavailable until July 13,
15 2005. As such, plaintiff would not be able to prepare his opposition by the July 8 due date, and
16 Minnesota Life would not have adequate time to prepare its reply. Accordingly, the parties request a
17 continuance of the hearing date and the respective deadlines to allow the parties adequate time to
18 prepare their papers.

19
20 Moreover, the Pre-Trial Conference is currently set for August 29, 2005. Lead trial counsel
21 for Minnesota Life is set to attend a hearing in Los Angeles on a motion for class certification in
22 another matter on that same date. Minnesota Life's counsel contacted plaintiff's counsel regarding a
23 continuance of the Pre-Trial Conference, and plaintiff's counsel had no objections. In addition,
24 Minnesota Life's counsel was also advised by the Court that Judge Shubb would be unavailable on
25 August 29, 2005, and the next available date for Pre-Trial Conference is September 12, 2005. The
26 parties would further request that the deadlines regarding the submission of pre-trial statements also
27 be re-set in accordance with the new Pre-Trial Conference date.
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1 There are no other pretrial dates that will be affected by the requested continuance.
2 Moreover, the parties have not previously sought or obtained any continuances in this matter.

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4 DATED: July 1, 2005.

5
6 By /s/ James L. Bianchi

7 James L. Bianchi

8 Attorney for Plaintiff Allen Wall

9 DATED: July 1, 2005.

10 REED SMITH LLP

11
12 By /s/ Eugenia S. Chern

13 Eugenia S. Chern

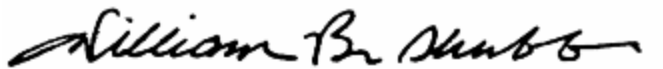
14 Attorneys for Defendant

15 Minnesota Life Insurance Company, erroneously
16 sued as Minnesota Mutual Life Insurance Company

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

18 Upon reading the above Stipulation, and good cause appearing, the hearing date on
19 Minnesota Life's Motion for Summary Adjudication is continued from July 25, 2005 until August 8,
20 2005 at 1:30 p.m. in Courtroom 5. Any opposition and reply to Minnesota Life's motion are to be
21 filed and served in accordance with Local Rule 78-230(c) and (d), and the new hearing date.
22 Moreover, the Pre-Trial Conference, originally set for August 29, 2005, is continued to September
23 12, 2005 at 10:00 a.m. in Courtroom 5. The parties' pre-trial statements are to be filed and served in
24 accordance with Local Rules 16-281 and 16-282 and the new Pre-Trial Conference date.

25 Dated: July 5, 2005

26 

27 WILLIAM B. SHUBB

28 UNITED STATES DISTRICT JUDGE